IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7636 of 1996

Between:

Doon Vally Rice Limited, Repd. by its Director,
Shri Ramgopal Gupta, S/o Premchand Gupta,

R/o Karnal, Aryana.

..... PETITIONER

AND

1. Govt. of Andhra Pradesh, Repd. by its Secretary,
Civil Supplies Department, Secretariat, Hyderabad.

2. The Commissioner of Civil Supplies, Civil Supplies
Bhavan, Somajiguda, Hyderabd.

3. The Additional Director, Civil Supplies, Civil Supplies
Bhavan, Somajiguda, Hyderabad.

4. The District Collector (Civil Supplies), East Godavari, Kakinada.

5. The Grain Purchasing Officer, East Godavari, Kakinada.

6. The Port Officer, Kakinada Port, Kakinada, East Godavari District. A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction declaring the

i. action of the respondents in insisting on obtaining an export permit for exporting the rice from Kakinada Port as arbitrary, illegal and without jurisdiction and without any authority of law;

ii. the action of the authorities in insisting upon the petitioner to pay a sum of Rs.100/- per MT., for issuing the said export permit is without jurisdiction, illegal, arbitrary and without any authority of law; and

iii. the action of the respondents 4 and 5 herein in insisting upon the petitioner to get clearance and a permission once again from the Joint Collector for loading of the vessel as arbitrary, illegal and issue a consequential direction to the authorities not to insist upon the payment of Rs.100/- per Mt. for export of rice from Kakinada Port or any other Port in the State and further direct the respondents herein to comply with the formalities if any, within a stipulated time, so as to obviate the difficulties faced by the petitioner.

For the Petitioner: MR.C.V.MOHAN REDDY , Advocate

For the Respondents: G.P. for Civil Supplies

The Court made the following :

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ORDER:

It is submitted by the learned counsel for the writ petitioner and admitted to by the learned Government Pleader that the subject matter of the writ petition is squarely covered by the judgment of this Court in W.P. No.6033 of 1997 and batch, dated 12-11-2002.

In the circumstances, following the said judgment, this writ petition is allowed for the same and similar reasons. No costs.

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N.V. RAMANA, J

Date: 01-09-2004

Svv

That Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Wednesday, the First day of September, Two thousand and Four.

To

1. The Secretary, Civil Supplies Department,

   Secretarit, Govt.of Andhra Pradesh, Hyderabad.

2. The Commissioner of Civil Supplies, Civil Supplies Bhavan, Somajiguda, Hyderabd.

3. The Additional Director, Civil Supplies, Civil Supplies Bhavan, Somajiguda, Hyderabad.

4. The District Collector (Civil Supplies), East Godavari, Kakinada.

5. The Grain Purchasing Officer, East Godavari, Kakinada.

6. The Port Officer, Kakinada Port, Kakinada, East Godavari District. A.P.

7. Two CCs. to The Government Pleader for Civil Supplies, High Court Buildings, Hyderabad. (OUT)

8. Two CD copies